

THE MOUNTAINEER.

NO. 3.

GREAT SALT LAKE CITY, SATURDAY, SEPTEMBER 10, 1859.

VOL. I.

THE MOUNTAINEER

EVERY SATURDAY.
OFFICE: North-West corner of Council House,
In the basement story.
BLAIR, FERGUSON & STOUT,
EDITORS AND PROPRIETORS.
TERMS: \$6 per annum in Advance.

ADVERTISING.
(Ten Lines, or less, constitute One Square.)
REGULAR ADVERTISEMENTS:
One Square, each insertion, for one month, \$2 00
Half Square, each insertion, for one month, \$1 00
One Square, each insertion, for three months, \$5 00
One Square, each insertion, for six months, \$9 00
One Square, each insertion, for one year, \$16 00
SUNDAY ADVERTISEMENTS:
One Square, each insertion, for one month, \$1 00
Half Square, each insertion, for one month, \$0 50
One Square, each insertion, for three months, \$3 00
One Square, each insertion, for six months, \$5 00
One Square, each insertion, for one year, \$9 00
This space, with a half dollar to the additional square for each insertion.

ODES OF ANACREON, The Greek Lyric.

LYRICAL TRANSLATION BY W. G. MILLS.
THE LYRE.
My bosom glows with fond desire
For Athens' sons to tune my lyre;
And I would sweep the trembling string
In praise of Cadmus' son, to sing
But o'er the chords in vain I move,
My lyre will only sound of Love.
So worthless lately seemed the strain,
I changed the chords and tuned again;
And swelled the note with loftier tone
To deeds of power by Hercules done;
But all in vain my skill did prove,
My lyre re-echoed nought but Love.
No more, ye heroes, can I swell
The song for you, henceforth farewell;
Vain my attempt to sweep the string,
My lyre alone of Love will sing.

ON WOMEN.
Nature dotes on the bull beslow
To guard his sturdy brow;
And hoofs she gave the trampling steed,
The nimble foot the hare decreed;
Distended jaws the lion gave;
And fishes taught to swim the wave;
Made birds with wings the air control,
And man possess the dauntless soul;
But naught did she for woman leave,
What then to guard her does she give?
Beauty! beautiful she appears,
Instead of shields, instead of spears;
For she who brags, 'tis charms enjoin,
The power of fire and sword destroy!

G. S. L. City, Sept., 1859.

THE BITERS BIT.

SOME time ago a story went the rounds touching a man who, having presented himself in his shirt-sleeves at the American Museum, New York, received the loan of a coat, and after viewing the curiosities, eloped with the garment, obtaining a sight of the elephant and a swallow-tail for twenty-five cents.

This reminds us of an affair that occurred in 1840, on board the Old Columbus, when she lay at the Charleston Navy Yard.

One day a long, green Vermont straggled on board the frigate, and examined everything on deck with curious eyes.

The officer of the watch, from his bearing and the neatness of his uniform, attracted the Yankee's notice.

"Got a pretty good place here, hey?" he inquired.

The officer assented.

"What wages do you get?"

"One hundred and twenty-five dollars a month."

"One hundred and twenty-five dollars! All to yourself! Shoh!"

"Fact, sir."

"I wonder if I couldn't get something to do here, myself?"

"O, yes; you'd make a pretty good midshipman."

"Wal, what are midshipmen's wages for a green hand?"

"Forty dollars a month only."

"Only forty dollars! Jerusalem! Why, I was told to hire out for ten. But where can I be made a midshipman on? Say quick!"

"Down below, sir, in the steerage. As soon as I'm relieved I'll see to it."

Down went the quizzer and the quizzed. A bevy of young midshipmen required no prompting to perpetrate a piece of mischief.

A spurious warrant was soon made out and the greenhorn equipped in a

splendid uniform, including an elegant chapeau and costly sword, by a joint contribution of the mess. Thus furnished he was directed to present himself to Commodore S., in the cabin, and report ready for duty.

He was told that the commodore might be pretty gruff—it was a way he had, but not to mind him. The steerage being full, the new midshipman was to demand quarters in the commodore's cabin; in fact, he was ordered to take possession of a certain state-room. The commodore's black looks and angry words were to be regarded as nothing—he had no right to use either.

Thus "posted up," the victim presented himself to the commodore, with "Old hoss, how are you?"

S. started; he had come across a RARA AVIS.

"Take a seat, sir."

"I kin help myself, old fellow—I generally do do," was the reply of the Vermont, as he flung himself into one seat and crossed his legs upon another.

"You are one of the new midshipmen, I suppose?" remarked the commodore, who, from the first, suspected something.

"I aint nothin' else."

"Shall I trouble you for your warrant?"

"Catch hold, old boy." The commodore looked at the document, and then at the visitor.

"Who gave you this?"

"The fellows down stairs—and I'm now ready for duty."

"That's enough. Now you can go."

"Not as you know on, squire. The cellar's chock full—and I aint a goin' out of this 'ere in a hurry, I tell you. O, you needn't rare up, old fellow. I see what's the matter—you're a teetle cranked up here!"

And the brilliant youth touched his forehead with his fore-finger.

"I am g'ing into this 'ere chamber to take a right good snooze—boots and all, by gravity!"

And as he was proceeding to execute this menace, the commodore took him by the arm and led him to the gangway. Pointing to the sentinel, he remarked mildly:

"You see that man with a musket; now if you don't clear out directly, and leave the shipyard and never show your face again, I'll order him to shoot you!"

The Yankee broke—and in two seconds his blue coat-tail was seen floating in the rear, as he dashed out of the yard with the speed of a flying jackass. In a minute afterwards, half a dozen terrified midshipmen rushed on deck and asked for liberty to go ashore.

"Young gentlemen," said the commodore, "I grant no liberty to-day."

Six faces fell a "flee," and six young jokers returned to their mess room as melancholy as mutes at an alderman's funeral.

They never saw or heard anything of the Yankee afterwards—nor the uniform either.

FIRST JUDICIAL DISTRICT COURT.

FRIDAY, AUGUST 26th, 1859, 10 a.m.
Court met pursuant to adjournment.
Records of yesterday read and signed by the Judge.

By request of Mr. Thompson, the case of Turney vs. Watson was dismissed on motion of complainant.

Also, the case of Croswan vs. Moge was dismissed on motion of complainant.

John Andrews was made a citizen of the United States.

Harmon Graft was excused as a traverse juror, not being naturalized.

Mr. Elmer was also excused, being a minor.

Now comes Eli Whipple, deputy sheriff of Utah county, and produces the body of Joseph Bartholomew, who was in his custody, charged with murder.

The Judge ordered the prisoner to be placed in the care of the marshal for safe keeping, and ordered rule still to continue against Mr. Wall, sheriff of Utah county, for not producing prisoner.

Court took recess.

Court resumed its session.

Grand jury came into court.

The roll called; two absent.

The foreman presented bills agreeing that court should amend them in form, but not in substance.

Mr. De Wolf entered a nolle prosequi on two bills of indictment presented yesterday, Nos. 11 and 12.

Court ordered subpoenas for witnesses in new cases to run.

Court adjourned till to-morrow, 8 a.m.

SATURDAY, AUG. 27th, 8 a.m.
Court resumed.

Records of yesterday read and signed by the Judge.

Prisoner McKENZIE was brought into court, and took his seat at the bar.

The names of jurymen, returned on venire, were called by the marshal, when the usual questions were put to them, and the following gentlemen were selected:

Norman Eldredge, George Bowers,
John W. Schfield, John W. Webb,
Geo. McKenzie, George W. Cummings,
N. W. Harris, David Wilkins,
T. P. McMunnery, Chas. H. Smith,
Charles Gaven, Geo. W. Shiell.

Judge then inquired if counsel were ready to proceed with the arraignment and trial.

Mr. De Wolf, for prosecution, answered in the affirmative.

Mr. Thompson (for defence) filed motion to discharge the prisoner, there being a flaw in the indictment which showed Mr. McKenzie to be a citizen of Cedar county; his client never having resided there.

Court over-ruled motion, remarking that the law made the objection immaterial.

The prisoner was arraigned on the "Indictment for forgery and counterfeiting U. S. checks."

TERRITORY OF UTAH, ss.
District Court of the United States in and for the First Judicial District, Honorable Delano R. Eckels, presiding. August term, eighteen hundred and fifty-nine.

The United States of America,) INDICTMENT FOR)
David McKenzie,) FORGERY.

The Grand Jurors, empanelled, charged and sworn to inquire for the United States, in and for the First Judicial District of Utah Territory, upon their oath, present, that David McKenzie, defendant, did unlawfully, feloniously, and with intent to defraud the United States, counterfeit and utter, with intent to defraud the United States, certain written and printed paper, in imitation of, and purporting to be a check drawn on the Assistant Treasurer of the United States at St. Louis, Missouri; which forged check is partially written and partially printed, and is in the words and figures following, viz:

"CAMP FLOYD, U. T.,
January 31, 1859."
Assistant Treasurer of the U. S., St. Louis, pay to Alexander Foster, or order, three hundred and sixty-seven dollars and sixty-five cents.
G. H. CROSWAN,
Deputy U. S. M. General.
Liberty.

Which said check the aforesaid David McKenzie, feloniously did falsify make, forge and counterfeit, with intent to defraud the United States, and against the statute in such case made and provided.

2. The grand jurors aforesaid, empanelled, charged and sworn as aforesaid, inquiring as aforesaid, upon their oath do further present, that the aforesaid David McKenzie, within the jurisdiction aforesaid, heretofore, to wit, on the day and year aforesaid, feloniously did aid and assist in falsifying, forging and counterfeiting, a certain written and printed paper, in imitation of, and purporting to be a check drawn on the Assistant Treasurer of the United States at St. Louis, which said forged check is in the words and figures following, viz:

"CAMP FLOYD, U. T.,
January 31, 1859."
Assistant Treasurer of the U. S., St. Louis, pay to Alexander Foster, or order, three hundred and sixty-seven dollars and sixty-five cents.
G. H. CROSWAN,
Deputy U. S. M. General.
Liberty.

Which said check the aforesaid David McKenzie, feloniously did falsify make, forge and counterfeit, with intent to defraud the United States, and against the statute in such case made and provided.

3. The grand jurors aforesaid, empanelled, charged and sworn as aforesaid, inquiring as aforesaid, upon their oath do further present, that the aforesaid David McKenzie, within the jurisdiction aforesaid, heretofore, to wit, on the day and year aforesaid, feloniously did aid and assist in falsifying, forging and counterfeiting, a certain written and printed paper, in imitation of, and purporting to be a check drawn on the Assistant Treasurer of the United States at St. Louis, which said forged check is in the words and figures following, viz:

"CAMP FLOYD, U. T.,
January 31, 1859."
Assistant Treasurer of the U. S., St. Louis, pay to Alexander Foster, or order, three hundred and sixty-seven dollars and sixty-five cents.
G. H. CROSWAN,
Deputy U. S. M. General.
Liberty.

Which said check the aforesaid David McKenzie, feloniously did falsify make, forge and counterfeit, with intent to defraud the United States, and against the statute in such case made and provided.

4. The grand jurors aforesaid, empanelled, charged and sworn as aforesaid, inquiring as aforesaid, upon their oath do further present, that the aforesaid David McKenzie, within the jurisdiction aforesaid, heretofore, to wit, on the day and year aforesaid, feloniously did aid and assist in falsifying, forging and counterfeiting, a certain written and printed paper, in imitation of, and purporting to be a check drawn on the Assistant Treasurer of the United States at St. Louis, which said forged check is in the words and figures following, viz:

"CAMP FLOYD, U. T.,
January 31, 1859."
Assistant Treasurer of the U. S., St. Louis, pay to Alexander Foster, or order, three hundred and sixty-seven dollars and sixty-five cents.
G. H. CROSWAN,
Deputy U. S. M. General.
Liberty.

aforesaid, upon their oath do further present, that the aforesaid David McKenzie, within the jurisdiction aforesaid, heretofore, to wit, on the day and year aforesaid, feloniously did falsify make, forge and counterfeit the name of Alexander Foster, on the back of a certain forged check, partly written and partly printed, which said check is in the words and figures following, viz:

"CAMP FLOYD, U. T.,
January 31, 1859."
Assistant Treasurer of the U. S., St. Louis, pay to Alexander Foster, or order, three hundred and sixty-seven dollars and sixty-five cents.
G. H. CROSWAN,
Deputy U. S. M. General.
Liberty.

5. The grand jurors aforesaid, empanelled, charged and sworn as aforesaid, inquiring as aforesaid, upon their oath do further present, that the aforesaid David McKenzie, within the jurisdiction aforesaid, heretofore, to wit, on the day and year aforesaid, feloniously did pass, utter and publish as true a certain false, forged and counterfeit check partly written and partly printed, made in imitation of and purporting to be a check drawn on the Assistant Treasurer of the United States, at St. Louis, which forged check is in the words and figures following, viz:

"CAMP FLOYD, U. T.,
January 31, 1859."
Assistant Treasurer of the U. S., St. Louis, pay to Alexander Foster, or order, three hundred and sixty-seven dollars and sixty-five cents.
G. H. CROSWAN,
Deputy U. S. M. General.
Liberty.

Endorsed on the back "Alexander Foster," which false, forged and counterfeit check, the aforesaid David McKenzie, feloniously did pass, utter and publish as true, knowing the same to be false, forged and counterfeit, with intent to defraud the United States, and against the statute in such case made and provided.

(Signed) STEPHEN DE WOLF,
Acting U. S. Attorney for the First Judicial District, Utah Territory.

Judge said: Mr. McKenzie, you have heard the charge preferred against you; are you guilty or not?

Prisoner: Not guilty.

After some little discussion between the attorneys on point of venue and place of residence of prisoner but improperly laid in Cedar county.

Mr. De Wolf, for the prosecution, maintained that, according to established law, wherever crime was committed, there was the offender's residence.

Court ruled, the case was not reversible, and remarked that the indictment was not defective, though the defence might plead abatement, or that the prisoner was not the person charged in the indictment.

The Judge then gave instructions in reference to challenging jurors; after which the following gentlemen were impanelled and sworn in the usual manner as a traverse jury, to wit:

Norman Eldredge, George Bowers,
John W. Schfield, John W. Webb,
Geo. McKenzie, David Wilkins,
N. W. Harris, George Cummings,
T. P. McMunnery, Chas. H. Smith,
Charles Gaven, Geo. W. Shiell.

T. P. McMunnery was appointed foreman.

The following witnesses for the prosecution were then called:—Col. Croswan, Major Porter, J. M. Wallace, Myron M. Brewer, Mr. Lent and John Bigler.

Mr. De Wolf then addressed the jury on the various counts of the indictment.

Col. Croswan called and sworn, whose evidence went to show that a vast scheme to defraud government had been disclosed by one J. M. Wallace, who had alone been situated in, apparently, joining the counterfeiters with the laudable object of preserving the government treasury and bringing the offenders to justice, remarking that he did not know how many high dignitaries of the church were concerned in the forgery or counterfeiting in the case on tapis, but was informed that it had been arranged that the counterfeit checks should not draw less than \$200, so that the Gentiles might be the only sufferers.

The witness then proceeded to explain the plan adopted, to detect the counterfeiters; that Mr. Wallace, in getting Mr. Lent to purchase the counterfeit check, had thus laid a trap to catch Brewer and McKenzie, &c.

The witness then assisted to exhibit the contents of a bag, as taken out of McKenzie's office, in Great Salt Lake City.

Cross-examined: He had got his information from Mr. Wallace; it was only his opinion that said checks were to be drawn to a large amount in order to prevent the Mormon portion of the community. He might have got this idea from Wallace; he thought Wallace gave him warning of the scheme on foot, about a month before the counterfeit check was put in circulation, and witness here remarked that he had not seen any of the counterfeiters engraving to be engravers, to show the smartness of the Mormons of Utah. He had put private marks on certain checks to enable government; did not know if first that the counterfeit checks were to be copies of his

originals. Thought the checks were originally intended to be drawn on the New York Assistant Treasurer; judged this from points and paper found in the prisoner's possession. Only thought this was the case.

Mr. Thompson here objected to witness giving his mere opinions, remarking that his evidence was almost made up of opinions; he should state facts.

Cross-examination continued: The bag produced in court, with its contents, was taken from the Deseret News press-room, in the presence of Brigham Young and other dignitaries of the Church, the prisoner having been employed in said room. Thought that the paper produced was evidently prepared for counterfeiting; thought there was a difference in the size of the counterfeit check and the original; thought the counterfeiter did not allow for shrinkage. (Witness here identified letters received by General Johnson and himself from Wallace, lodging information about the counterfeiting scheme.)

[We thought Colonel Croswan assumed more of the demeanor of a prosecuting attorney than that of a witness—R. p. r.]

Major Porter was called and sworn, and corroborated the evidence of the last witness.

Mr. J. M. Wallace was called and sworn, who testified that Mr. Brewer came to him and proposed to put him in the way of making money by counterfeiting government drafts, &c. He had counterfeited the scheme in order that he might more effectually be able to expose it; he had been introduced by Mr. Brewer to McKenzie, and identified the prisoner at the bar.

Examined by De Wolf: Had heard McKenzie say, when the plates were completed, "My work is now done." Understood through Mr. Brewer that McKenzie was to have one third of the proceeds; when checks were struck off he had taken them, and put them in his safe. The first one was filled up by Mr. Brewer, who sold it to Mr. Lent.

Cross-examined by Mr. Thompson: He first became acquainted with Mr. McKenzie the 4th or 5th of July last. Had heard McKenzie say, he merely acted as a mechanic in the scheme. Never spoke to Brewer about hiring McKenzie. Mr. Brewer filled up the first check in the witness's hands. Had understood McKenzie to be influenced by others not to go into the scheme.

Mr. Brewer was called and sworn as State evidence, and stated that the counterfeiting scheme was first proposed to him on the 1st of May by McKenzie. Had taken hold of it by the counsel of Mr. Wallace, and said he relied on Mr. Wallace as a long tried friend. McKenzie had afterwards told him (the witness) that the thing was quashed, but finally agreed to work as mechanic. After he (witness) had told of the co-operation of Wallace, McKenzie had doubted the success of the scheme, but finally agreed to take a certain portion of the proceeds. It was understood that Wallace should utter the checks. The plate was finished about the 4th of July last. Had seen McKenzie at work on the plate in his shop.

Examined by Mr. De Wolf: Had engaged McKenzie in the name of Wallace and himself; with McKenzie when the check was struck off in his office, over the Deseret Store, G. S. L. City; it was about the 8th of July, when the first check was put in circulation. Mr. Wallace proposed for witness to issue the check, but had objected; that not being the part he (witness) had to perform in the scheme. Mr. Wallace finally informed him (witness) that a person had agreed to take the check at discount. Mr. Lent received a check of \$167 65 from witness at 5 per cent discount. He (Mr. Lent) paid witness \$350 in gold for it. Had placed the gold in a safe belonging to Wallace. Wallace, McKenzie and himself were the only persons concerned in the transaction. He had heard McKenzie say that Brigham Young had discountenanced the scheme, but had not heard McKenzie say that he had been counseled, when he finally agreed to go into the transaction.

Cross-examined by prisoner: Did not remember his first interview with prisoner, believed that he (witness) was the first to speak about the scheme to McKenzie, when drinking together. Acknowledged that he had been very anxious for the success of the scheme—had assured McKenzie that Wallace's credit was good for \$200,000; did not know whether this was before or after the prisoner had refused to go into the scheme. Prisoner had assured him (witness) that the scheme would fail when making the plate. Prisoner had declined to get check paper from Mr. Kay, but prisoner finally procured paper for the purpose from G. D. Watts; had seen Deseret \$5 currency, but could not swear that was similar paper. Wallace had condemned the first specimen of the counterfeit check presented to him by witness; took a second specimen to Wallace as proof, which he (Wallace) had approved. Prisoner himself had selected paper for the purpose of counterfeiting.

Cross-examined by Mr. Thompson: Prisoner had repeatedly said, that the color of the check would not do; McKenzie was present when the plate was struck; McKenzie was present when the plate was made. Prisoner had consented to go into the scheme after much persuasion.

Cross-examined by prisoner: Witness had

perceived the points and made the principal arrangements about the coloring, etc. Prisoner had told him (witness) to keep account of the engraving expenses in case of failure. Wallace had offered to find money to pay for plates, etc.; did not know that the prisoner had received any compensation.

Examined by the court: Got plate from McKenzie and took it to Wallace's house; drafts were not to be less than \$500; this was arranged by Wallace, McKenzie and witness, with the understanding that the poorer class of the people would not suffer; the prisoner did the engraving on this condition. The prisoner did take no part in issuing checks, this was to be Wallace's work. He (witness) had to fill up the checks at Camp Floyd; this was understood by Wallace and himself. Did not remember telling McKenzie that they should issue checks at Camp Floyd. Mr. McKenzie was to have one third of the proceeds; heard the prisoner say that he (prisoner) might give his share to the Church. When he (witness) engaged the prisoner to make the plate, he acted for Wallace and himself; there was no definite agreement as to who should fill up the checks, though he (witness) had done so.

Mr. Lent was called and sworn; testified to having bought the check, for the purpose of exposing the fraud, having that understanding with Wallace. [The jury here retired scattering, and on returning, Mr. Lent's evidence continued.] He said he had paid \$350 for the check at five percent discount.

Mr. John H. Bigler was called and sworn: Gave in testimony as consistent, as to having arrested prisoners and taken possession of blank checks, counterfeiting tools, etc.

Court gave instructions to jury, who retired with the marshal.

Court adjourned till 2 o'clock, p. m.

9 p.m.

Court resumed.

Names of jury called; all present.

Mr. Brewer, re-called by desire of Mr. De Wolf, said he could not positively state that prisoner knew that Wallace and himself went to Camp Floyd, but McKenzie did not want that they intended to pass checks there. Judge then said that instructions for jury would be read in writing from the counsel on either side.

Mr. Thompson, (for defence) said he had only two witnesses, and they would only testify to the good moral character of the prisoner previous to the commencement of the counterfeiting transaction.

Mr. J. Midgley and Thomas Midgley Senr., were called and sworn, and both testified to having known the prisoner for years, to possess a good moral character.

Mr. Thompson (by agreement) opened the argument for defense, showing the nature of the charges was, "forging a check on the Deputy Quartermaster General U. S." The jury had had a great many opinions, and especially those of Col. Croswan, in the case that had little or no bearing on the matter. They must take testimony and facts, and not opinions. Knowledge alone is testimony. There was a great deal of prejudice against the prisoner, and it was hard to fight against it. Yet prejudice should be totally laid aside, and facts only considered. The whole case of Col. Croswan's evidence was clearly to exculpate Wallace, he could not discover any other bearing that it had. The substance of all the evidence was, that a check had been passed on Mr. Lent, and through the agency of Mr. Wallace, it was discovered that the prisoner had made the plate, from which the said check had been struck, and that as a mechanic and business a quantity of strips of blank paper had been found in the prisoner's office, we were told by Col. Croswan of a "vast amount of crime and fraud in operation against government;" but the jury was not to forget that the strips of paper alleged to, were not of the same quality or size as the counterfeit check produced; the witness, Col. Croswan, had described the contents of the bag which was found in the prisoner's office, and now produced in court, in a manner that made said contents satisfactory; but he did not say that the jury might find in Col. Croswan's quarters as great a variety of counterfeit checks as were not evidenced in the case, but merely given in prejudice, having no bearing on the case. He would remind the jury that the prisoner had repeatedly declined going into this counterfeiting scheme, and that Brewer had bribed the prisoner, who, even when the plate was made, still held Wallace and Brewer to the scheme would not work, and that the work was made as now done.

Mr. Thompson then referred to Mr. Lent's part in the transaction, the stripping of Brewer and drink at some length, and said that the "washed his hands of the job," when the plate was made, intimating that it was Brewer and Wallace alone who intended to defraud the U. S. Government; also drew upon the high reputation that he (Lent) possessed in the estimation of his acquaintance, and concluded by referring to the circumstances of the prisoner having been introduced to the scheme by Mr. Wallace, and that witness from G. S. L. City.

Mr. De Wolf moved the court for the arrest of Mr. Wallace and Mr. Brewer, as being parties to the crime, and that he (De Wolf) was ready to prove it.

Mr. Thompson replied that he was not ready to prove it, and that he (De Wolf) was ready to prove it.

Mr. De Wolf then moved the court for the arrest of Mr. Wallace and Mr. Brewer, as being parties to the crime, and that he (De Wolf) was ready to prove it.

Mr. Thompson replied that he was not ready to prove it, and that he (De Wolf) was ready to prove it.

Mr. De Wolf then moved the court for the arrest of Mr. Wallace and Mr. Brewer, as being parties to the crime, and that he (De Wolf) was ready to prove it.

Mr. Thompson replied that he was not ready to prove it, and that he (De Wolf) was ready to prove it.

Mr. De Wolf then moved the court for the arrest of Mr. Wallace and Mr. Brewer, as being parties to the crime, and that he (De Wolf) was ready to prove it.

Mr. Thompson replied that he was not ready to prove it, and that he (De Wolf) was ready to prove it.

Mr. De Wolf then moved the court for the arrest of Mr. Wallace and Mr. Brewer, as being parties to the crime, and that he (De Wolf) was ready to prove it.

Mr. Thompson replied that he was not ready to prove it, and that he (De Wolf) was ready to prove it.

Mr. De Wolf then moved the court for the arrest of Mr. Wallace and Mr. Brewer, as being parties to the crime, and that he (De Wolf) was ready to prove it.

Mr. Thompson replied that he was not ready to prove it, and that he (De Wolf) was ready to prove it.

Mr. De Wolf then moved the court for the arrest of Mr. Wallace and Mr. Brewer, as being parties to the crime, and that he (De Wolf) was ready to prove it.

stern, enlarging upon the duties of legal tribunals to put down crime, then returned to the case before the court, spoke of his sympathy in influencing the jury, and said that the reason of so much crime being in evidence in this Territory, was, that the people had been allowed for a time previously, to commit great crimes and go unpunished. This court had to vindicate and be governed by the law.

Mr. De Wolf then read parts of the indictment and committed thereon, and referred to the assistance the prisoner had given in counterfeiting checks to defraud Government, and reminded the jury that the prisoner was the first to introduce the scheme, and first to use the terms of "scientific secrets." They were to remember that McKenzie had declined to go into the scheme because of "conscience" given him by some one whose name had not been mentioned. [The Counsel was here mistaken.—See Brewer's evidence.—Reporter.]

Counsel then referred to McKenzie striking off checks, making plates, &c., which, done knowingly for counterfeiting purposes, made him guilty of the crime.

Mr. De Wolf then read some extracts of U. S. law, on which the indictment had been grounded, reminding that inasmuch as Brewer had turned "State's evidence," the prisoner being concerned in the crime would have to take all responsibility, this closed the argument for the prosecution. [The prisoner desired to finish the plea of Mr. Thompson, who retired on account of sickness; the court ruled it was now too late, as government had closed the case.]

The Judge then addressed the jury as follows:

"GENTLEMEN OF THE JURY—

You are the judges of what the testimony offered you conduces to prove, and by the evidence alone you are to find a verdict in this case, and if many crimes have been committed in this community, it is no reason why the prisoner shall be convicted or acquitted. As cool dispassionate citizens, it is your duty to consider the evidence alone under the oaths you have taken. David McKenzie alone is on trial before you, and it is to him alone you should find.

If you are satisfied from the evidence that he is guilty as charged, the form of your verdict will be: "we the jury find the defendant guilty as charged in the indictment." If you do not so believe from the evidence the form of your verdict should be "we the jury find the defendant not guilty," and in either event the verdict must be signed by your foreman.

If you believe from the evidence, that the prisoner, David McKenzie, Myron Brewer and John M. Wallace entered into a conspiracy to defraud the United States, by forging the check of Col. G. H. Croswan, Deputy Quartermaster General on the Assistant Treasurer of the United States at St. Louis, and in furtherance of the common design, McKenzie engraved the plate, and struck off the check in controversy, and that Brewer and Wallace took it to Cedar county, filled it up there, thus completing the forgery, and passed it off there to William Lent as genuine, then you should find the defendant guilty as charged in this indictment, if you do not so believe, then you should find him not guilty.

The Judge then added the following instructions to the traverse jury, on the part of the prosecution:—

If the jury believe from the evidence that there was an agreement or conspiracy entered into between the prisoner, and any other person or persons to forge checks in imitation of those drawn on the Assistant Treasurer of the United States at St. Louis, by G. H. Croswan, Deputy Quartermaster General, and they did so forge the check in evidence; in that case, the jury will find the prisoner guilty under the indictment, charging him with forgery in the county of Cedar; if they believed the forged draft was put in circulation there by any one of the conspirators, each person engaged in the conspiracy, who did any act in furtherance of the design to defraud, being chargeable with the acts of each and every co-conspirator.

If the jury believe from the evidence, that the defendant made the plate from which the forged check was struck, and assisted in striking the blanks with it, though he may not have sided in filling up said check, in putting it in circulation, he is nevertheless guilty under the statute.

On the part of the defense, we ask the court to instruct the jury that the act of engraving is not criminal of itself, unless the intention to defraud upon the part of defendant is evident.

INSTRUCTIONS OF THE COURT.

U. S. vs. David McKenzie.

1. If the jury believe from the evidence that David McKenzie, the prisoner at the bar, conspired and confederated with other persons to forge checks, of the character of the one described in the various counts of this indictment and in pursuance thereof, made one part of the check in question, and handed it over to others to be by them filled up and put in circulation, and that it was afterwards filled up by any one of them at Cedar county and there uttered; all the persons doing any act in furtherance of the common design, no matter where he lived or performed his share of the forgery, he is guilty of forgery in Cedar county, and can be convicted only in this district and nowhere else.

2. When several persons conspire to commit any crime to be perpetrated by several persons, the acts of any one of such persons so conspiring are considered the acts of all of them, and are evidence alike against all, and if the jury believe in this case that such conspiracy existed in this case between the prisoner, Brewer and Wallace, and completed this forgery in Cedar county, McKenzie is equally as Brewer of the forgery in Cedar county, either in any place where he was in the county of Cedar. Each party is deemed to consent to all that is done in furtherance of the common design.

3. It does not matter whether McKenzie made the plate and struck off the check as a mere means merely, or for a portion of the profit. If he knew what was to be made of it, he is equally guilty.

4. It does not matter whether the Wm. Lent who brought the check known it was counterfeited when he brought it to Brewer. The signing a

counterfeit consists in representing it to be genuine and passing it off as such.

5. You are to presume that each party has offered you all the evidence in his power. The prisoner had the right to take out subpoenas for his witnesses at any time since his arrest in July last, and unless he did so, you are to presume he had no witness by whom to introduce exculpatory proof.

The jury then retired.

Court took recess to await the verdict.

Court resumed after a lapse of one hour.

Jury came into Court—roll called—all present.

The Judge said: "Gentlemen of the Jury, have you jointly and unanimously agreed on your verdict? Is the prisoner at the bar guilty or not of the charge against him?"

Foreman. Guilty, as charged in the indictment.

Clerk then read the finding.

The Judge said: We shall defer judgment till Monday, on account of the illness of Mr. Thompson, the prisoner's attorney.

The Judge then read a presentment from the Grand Jury, showing that, jurors, witnesses and other officers of Court not receiving proper compensation for duties, and the people charging too high for boarding and lodging. It was very inconvenient and almost impossible to obtain accommodations—that the Territorial Treasury had no funds, etc.

The Judge said, that the law did not give him power to rectify their grievances, nor did he know how to apply a remedy, but he would consider the presentment and give them an answer on Tuesday next.

The Judge then discharged the surplus jurors, who had not been empaneled.

The case of the PEOPLE vs. BARTHOLOMEW and OTHERS, was brought up.

Mr. De Wolf moved that a *nolle prosequi* be entered and judgment stayed against said Bartholomew.

The Judge then discharged Bartholomew from custody, ordering him to be retained as witness, in any case that might arise.

Court adjourned till Monday, August 29th, 1859, at 10 o'clock A. M.

MONDAY, August 29, 10 a.m.

Court opened.

Records of Saturday read and signed by the Judge.

The Court called for motions.

Mr. Thompson moved that in the case of the PEOPLE of the United States vs. McKenzie, the verdict be set aside and a new trial ordered. The ground of the motion being that "during the trial the jury had scattered, and one juror had singly been in custody of an unsworn officer. Also the Prosecuting Attorney had, in an unlawful manner, communicated with the jury."

The Court ordered *affidavit* made of the facts set forth.

Mr. Thompson moved that in the case of C. A. Perry & Co. vs. McNeil and Gemmel a *scire facias* be issued to compel the heirs of McNeil (deceased) to appear in court.

Mr. De Wolf moved a discharge of recognizances of all witnesses in the case of the People vs. McKenzie, which discharges were entered by order of Court.

Edward Oakley and Mr. Findlay were made citizens of the United States.

The Judge announced his intention of appointing Commissioners to act in various parts of his District, to take acknowledgment of Bail, Recognizances, &c. The Judge then read common law touching "the appointment of special sessions of Court," showing that trials by jury were prohibited except in criminal cases.

These extracts were read in answer to enquiries from Mr. Thompson, who had charge of several civil cases that would call for juries; there being a probability of an adjournment of Court and a special session thereof.

The Judge deferred further explanation till afternoon.

Court took recess till 2 o'clock p.m.

Court resumed.

Thomas Midgley, sen. and Jonathan Midgley were admitted citizens of the United States.

John D. Chase was appointed United States Commissioner for San Pete county.

Mr. Thompson renewed motion "that the verdict be set aside in the case of the People of the United States vs. McKenzie."

Mr. Thompson filed affidavits of Mr. W. Wallace, on "separation of jurymen" during the trial, etc.; of Mr. J. B. Ger and Martha Kirk on "jury being in charge of an unsworn officer," and "irregular communication of Prosecuting Attorney with the jury," etc.

Motion argued and overruled by Court.

The prisoner then delivered a very affecting address to the Court and the jury, saying that he had pled "not guilty" to the charge in the indictment, considering that to have been the privilege allowed him by the law, for "every man was considered innocent until proven guilty;" but now he wished to acknowledge the part he had taken in the crime of which he stood convicted. He had been the victim of fool and repeated temptation; yet did not wish to screen himself from punishment on that account, for he had gone into the scheme with his eyes open. He then referred to the threats and entreaties thrown out by his accomplice, Brewer, to induce him (McKenzie) to go into the scheme of counterfeiting. Brewer had turned State's evidence, but had been the principal instigator of and actor in the crime. He would leave the judgment of Brewer's character to those who had closely watched his recent course.

After some remarks from his honor to the prisoner, sentence was pronounced as follows:

"It is therefore considered, that, for the offense for which you have been found guilty, you are imprisoned at hard labor in the Penitentiary of this Territory, for the term of two years, and make your fine to the United States, in the sum of \$50.00, and that you pay the costs of this prosecution, taxed at — dollars and — cents; and I order that the Marshal for the Territory carry this judgment into execution, with as little delay as practicable, by delivering, into the custody of the keeper of the Penitentiary, the said David McKenzie, there to be by him kept and

detained for the period aforesaid, and that the plaintiff have execution for the fine and costs assessed."

McKenzie was made a citizen of the United States.

Mr. Thompson said he did not think there would be a jury required in the case of which he had charge, and for the trial of which he would recommend a special session of Court, or have them continued over till the next term.

The Judge then addressed the jury, briefly alluding to the presentment made by the Grand Jury, which complained of inconveniences, arising from the scarcity of funds in the hands of the Marshal, and the high charges made for boarding jurors, witnesses, &c.; said that, though these evils might exist, it was their duty to maintain the dignity of the law, by investigating the many charges of crime that had been perpetrated in the district, for, according to the best information received, there had been no less than one hundred and sixty murders committed within the limits of said District, and if ever there was a time that the law needed to be vindicated, it was now in Utah; yet it was not possible to hold court without a court house, or without any funds in the hands of the Government officer of Territorial treasury. And then, the fees allowed in Territorial business were far too small to meet common contingencies of witnesses and jurors, and he did not feel to thus punish the latter by retaining them through the crimes of others.

The grand jury were then brought into court, who, after receiving similar instructions to those already given by the court to the traverse jury, were also discharged.

The court ordered that witnesses already under recognizances should renew them to appear next term of court.

The following witnesses accordingly came forward to renew their recognizances—Daniel Stanton, B. F. Bird, James O. Bannion, Wm. Lent, Charles H. Smith, Elijah and Mrs. Webb, Wm. Oliver, Wm. Cairns and Robert Davis.

Attachments were issued for all causes where recognizances were entered into, to appear at the next term of court.

Court adjourned till to-morrow, 8 a.m.

TUESDAY, Aug. 30, 8 a.m.

Court met pursuant to adjournment.

Mr. J. Daley, Thomas Spriggs, Wm. D. Huntington and Mr. Davis Clark entered into recognizances for their appearance as witnesses at the next term of court.

The recognizance of Mr. L. Wood was discharged.

The Judge announced that, as the grand jury had been discharged he would now sit as Committing Magistrate, to examine witnesses.

Mr. D. Lovrain, sworn and examined, gave the following evidence on the Parrish murder case:—Lived in Springville in the year '57.—Was out late one night, thought about 11 o'clock, in one of the streets of Springville, when, on coming to a wall fence, heard the sound of voices behind it. Secreted himself

under the outside of said fence, to listen to the conversation when he recognized the voice of Wilber J. Earl, in conversation with some person unknown to witness—heard W. J. Earl inform the other, that William Bird killed the elder Parrish, and that Richard Bird assisted him. Earl also said, that if Richard Bird had not assisted, he believed Parrish would have killed William Bird in the struggle, for the elder Parrish struck W. Bird several blows with a pistol, before he (Parrish) was finally overcome. Witness did not hear anything more, but retired home a few days afterwards, met Earl and told him what he had overheard on the night in question. A short time after, about 11 o'clock one night, W. J. Earl, Sanford Fuller, a Mr. Johnson, Mr. McBride and Eli Cutler came to his house, Earl requesting him (witness) to follow them, which he did, to the distance of about three quarters of a mile south of Springville. Earl then enquired of him if he was a Mormon, if he believed in obeying authorities, etc. Sanford Fuller then placed the edge of a bowie knife at his throat, and W. J. Earl a pistol to his breast, commanding him to swear that he would never reveal, to friend or foe, what he had overheard W. J. Earl say about the murder of the Parrishes, while secreted behind the fence aforesaid, on a certain night, or they would "kill him on the spot." Witness complied, and took an oath accordingly; when, with the party concerned, he returned to Springville and went home. This was all he knew about the transaction, but he added he still felt to fear that his life was in danger from the parties concerned in his statements, or that Earl and others would fulfil their threats if they had a good chance.

Philinda Cutler, sworn—Testified that she lived in Springville in '57, and that, on the 1st day of March, year aforesaid, she was at the house of Moses Daley, sen., Springville, there being present Orson Hyde, President of the Twelve Apostles in the Mormon Church, also Moses Daley, jun., Moses Daley, sen., a Mr. Packard, Semadale Daley, Almira Daley, Margaret Daley and Ann Elizabeth Vickers. That during the conversation on said evening Mr. Orson Hyde, said: "If the Parrishes attempt to go, without paying Ballock what they owe him, they must be stopped." That Mr. Packard enquired: "Do you mean that we shall murder them?" That Mr. Hyde answered: "If you do not, it will come upon your own heads." That Moses Daley, sen., enquired himself, on account of being old, saying there were younger men that could do the business better. That the Parrishes were killed during the same month.

Mr. J. W. Webb, sworn—Testified that he lived at Springville at the time of the Parrish murder, '57. That on the morning after said murder of two Parrishes and Potter, a Mr. Stanton came to him and engaged him to make a coffin for Potter. Went down to the school house, where the bodies lay, and examined them. [Witness here described the women.] When the coffin was made, he (witness) took

it down to the school house, and with the assistance of a Mr. Daley put the corpse of Potter into it, another man having made coffin for the two Parrishes. Had heard Eli Cutler say that the Parrishes and Potter were killed to save them." A short time after this, went to a meeting of the City Council. Earl and A. F. McDonald were there. Thought McDonald was then, or had been, Mayor of Springville. Witness went to this Council to request pay for making Potter's coffin; on doing which, W. J. Earl checked him, and took him outside the Council House, when Earl remarked: "You should not have said anything about the coffin in presence of McDonald, it makes him feel so bad." This was about all that passed at that time. Had heard some one say, that the elder Parrish would have killed William Bird, if Richard Bird had not assisted in the struggle. Witness further stated, that he lived at Payson at the time Mrs. Jones and son were murdered. On the morning of the murder had seen Bishop Hancock riding in to Payson, armed with revolvers. Witness had been aroused that morning by the discharge of fire arms in the vicinity of Mrs. Jones' dwelling. Had not seen the fatal transaction, but his (witness's) brother had seen some of it, and had told him (witness) that Bishop Hancock and his brother had committed the murder. This was all he knew about that matter.

Mr. B. Lovrain, Philinda Cutler and J. W. Webb entered into recognizances for their appearance at the next term of court.

Attachment issued for Orrin Parrish, as a witness, and bail ordered, returnable next term.

Mr. Whitlock fined two dollars and costs of attachment, etc., for contempt in not attending when summoned as a juror.

The judge here remarked: "A man must put aside private business to attend to public service. The dignity of the law must be sustained, for if some men claim to be beyond the law, the remainder must be slaves. I will do my duty. I will administer justice impartially to great and small, saint and sinner, and no man can be excused from the performance of a public duty through any voluntary obligations he may have imposed upon himself."

The judge made these remarks on the ground of Mr. Whitlock having excused his non-attendance, as juror, on account of certain secret obligations he was under to the Mormon Church, the violation of which would forfeit him his life, etc.

On suggestion, the judge ruled that, as Mr. E. D. Webb had intermarried with Mrs. Parrish, he be allowed to appear in cause.

Court adjourned till Friday, Sep. 2nd, at 8 a.m.

THE MOUNTAINEER.

GREAT SALT LAKE CITY:

SATURDAY, SEPTEMBER 10, 1859.

WE do not believe in apologies; but

feel that we owe our readers one this week for the extraordinary length of our Court reports. Our reporter has been most praise-worthy particular in sending us full minutes. We profess to be lawyers, and these matters have interest to us that possibly many of our readers may not appreciate. If we err on the start of our race, it is through a desire to give a full budget, and let the people have a chance to judge for themselves, of passing events, causes and effects. Full well are we assured that correct records of the courts of Utah, and honest diaries of federal officials, would be the most effectual vindication of the character of our citizens.

The records of the court show how nearly correct we were in our prognostications in the McKenzie case. How safe it always is to tell the truth.

Right here we wish to make a humble suggestion to everybody. The day is gone by when lying scoundrels can palm off all their rascality upon the citizens of Utah. We wish every scoundrel, pretended Saint or actual sinner, Mormon or Gentile, to father his own vagabondism, no matter what his position or how numerous his friends; and what honest man dreads the issue? To officials we purpose giving our attention, and anatomizing their official deportment strictly and truthfully. The systems of swindling, carried on in the United States, are becoming more and more numerous. We have some notion of taking a glance at their progress, and hinting once in a while to our fellow-kings of America of the impositions practised upon us by our public servants. Officials, while they are in office, are public property, and as such we shall deal with them. We said so on the outset, and shall stick to it. The need of praise shall not be denied, nor the scourge withheld, when merited.

In another column we have called attention, partially, to the condition of

society in Utah. Whiskey and the revolver seem lately to have usurped the positions of law and order in our midst. Why is this? It was not always so. Even our faint memories recall to us a time when an honest man could walk the streets of our city with equal safety at midnight as at noon-day. Is the law deficient? No! What then? The Legislature of Utah has made abundant provision for the maintenance of the law's supremacy. But our judges trample the laws under their feet. Our Territorial Marshal and our sheriffs are crowded out of court. They are passed on the street unheeded and without acknowledgment. And yet they are the very men whose character and influence in the Territory would make them the most efficient executive officers.

We are opposed to rowdism. We want it stopped. We wish again to see the time when a man can walk the streets of our city, without the swagger and arms of a bandit. We wish again to see the time when our wives, and sisters, and daughters can take an afternoon or twilight walk, without being insulted by the foolish coxcombs who feed upon our own hard earnings. These things we wish to see; and, our good friends, WE SHALL SEE THEM!

A word, before closing, about the Court at Nephi. Without lengthy comments we shall state two or three facts. Of the Grand Jury who sat at Nephi and indicted McKenzie, fourteen were from Camp Floyd, and several of them said to be gamblers. Of the Traverse Jury who tried McKenzie, ten were residents of Camp Floyd and vicinity. It is but just, however, here to say, that some of the jurors from Camp behaved fairly and honorably in their deliberations.

Our most magnanimous and highly esteemed Chief Justice, you made a most serious under-estimate of the murders done in your district. A hundred and sixty! Why, that is scarcely a fraction. We ourselves helped to slay some thirty or forty Indians in that district. Was that murder? The Savior bore the silent record of the massacre of poor Gunnison and his party. And the bones of nearly two hundred men, women and children tell the sad story of the Mountain Meadows. Why not come out plainly, Judge, and tell what you think? Let us have no more under-ground insinuations. Talk your sentiments like a man. We want crime exposed and punished as much as you do, nay, far more so. We wish to see the murderers, white or red, of Mountain Meadows memory, arraigned, and by the same verdict that convicts them, see the mass of our citizens exonerated. And this can all be done. But not by a jury of gamblers and army attachés. Nor can arrests be made, in our opinion, by the assistance of troops, or under the hands of Marshal Dotson's migratory deputies. Let respectability and honor be reintroduced among all our officials and our purses in pledge, but the law will be vindicated and the guilty brought to justice. Instead of a jury of camp followers, give us a jury of honest citizens. Instead of transient adventurers, whose characters are of foreign creation, give us our own executive officers in our courts, men who have some interest in the building up and preservation of social rights. In fact, deal with us as human beings and Americans.

THE NEW TERRITORY.—We publish elsewhere Nevada's Declaration of Independence. There was something so confoundedly ludicrous about the affair at first sight, that we had thought of giving it a passing laugh and resting there. Poor pious souls! how much they have been abused. Their vigilance committees have not been indicted and arraigned as banded murderers. The gibbets in their dismal groves remain unnoticed and unknown. Rongades of many lands, their vices have not drawn upon them even the contempt of the nation.

There is something to be regretted in their arrangements. They have not provided offices for much more than

half the citizens, red and white included. That should not be so. Each man of the three or four hundred who are the citizens of that majestic sovereign territory ought to have an office. Instead of forty they should have had about four hundred members in the Assembly, and then each would have been his own representative. But do not be afraid, sister Nevada. We shall not contest your right to a divorce. To be sure, we, or some of us, planted your corn-fields, the increase of which you are now reaping; but we are not jealous. You are welcome, welcome to it all. But we don't think you treated Major Dodge fairly, though. We are told you had soldiers come up and give their names at your polls. Is that so? If so, it is a shame. We do not think you have as many people as you pretend. But we will let that go. If you were "Mormons" over there, we would have you indicted for treason and hang or pardon every one of you. But then you are not. We shall calmly take your case into consideration; and in the mean time would suggest the propriety of your becoming an independent nation at once, and crowning your Crane. How would that do?

WHISKEY AND REVOLVERS.—We do not at this time purpose to trouble our readers with a long article on the use of whiskey and the revolver, yet we have our minds decidedly made up against the use of both. Our reason for placing them together is, that King Alcohol generally commands when the revolver is used, and without whose inspiration the revolver, in the hands of the mass of men and boys who carry one in our city, would be as harmless as grandmother's spectacles that lie on the table. We are opposed to men carrying arms in our city limits. There is no excuse for the practice to be kept up any longer, and we hope that our city authorities will inquire into the expediency of passing a law that will tap the purse of all offenders. If such a law be enforced, we will predict that ere many moons wax and wane we shall again see observed among us that good order which it was our privilege once to enjoy.

COAL.—In our last we spoke of a newly discovered coal bed on the Weber River; since which time we have had the pleasure to know that a load of coal from this identical bed, has been brought to the city by Mr. William H. Kimball, a fine specimen of which now lies on our table, open for the inspection of all who may see fit to call and examine for themselves. Mr. Kimball informs us that the coal mine is within forty miles of the city, and that coal can be delivered in the city at rates much less than are now paid for wood; or the coal can be furnished at the bed, at rates that will warrant persons in drawing their coal for fuel from the Weber, in preference to hauling wood from the canyon. These propositions are based on the fact that one ton of coal is worth four loads of maple wood. The quality of the coal taken from this bed has been tested by the most experienced blacksmiths of the city, and by them pronounced as above stated. For further particulars call on Eppiggs and Kimball.

ARRIVAL.—Arrived in this city by the last Eastern mail, Lord Grosvenor, son of the Marquis of Westminster, en route for California, thence to China. His Lordship is in the enjoyment of excellent health, and seems much pleased with the mountain scenery; and from the free and unrestrained chat with the Mormon dignitaries, we opine he is satisfied that all "our own correspondent" reports are not strictly reliable. We wish his Lordship a pleasant and agreeable trip to the "Ophir" of America and to the "Celestials," and thence to father-land, where the reminiscences of his mountain trip and interviews will form, no doubt, agreeable topics of conversation.

MERCHANTS.—We take much pleasure in referring our friends to the advertisement of their "all-weather" goods.

on, Mr. present of the result and proper in the Utah been solicited gentlemen play those reputation of ward, honest department with a call in dealing securing secure in v other in the

PREMIUM little experience all qualifications, don, B. min mon for an honestly an Valley made by the best of with.

OUR POST are aware of persons to ob the arrival of probably will quite annoying this city; yet we choose to b endeavors to b and a citizen one who will f to realize that lic steward—t wait on the pe should be well are not done v be righted.

CHANGE OF do we resem the change of more than at grateful for the sleep doubly suggest that season when at our doors.

MISSISS. G Those oysters were superb. of a superior every, very kind pleasantly we drank a health in general. H

ARRIVAL— F. D. Richards to meet and aid sions, the emig and Richards ven and Nesten of the season, reach this city day next. The fine health and

A CURIOSITY other day, one scribe for the said he had no pay for the p should borrow I have read in ec obtain virgin from their providing for th

LOC

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made of others was to be appe stance for pr taking a m and shi which has been

ARRIVAL OF We have just and last day, yet some present on an day evening what was com made

ces, Messrs. Gilbert & Gerriah. Their present stock of goods has been the result of a selection, anticipated and prepared for, by a long experience in the Utah market. They have also been solicitous in the selection of their gentlemen behind the counter, to employ those only who would sustain the reputation of the house for straight forward, honest dealing, and gentlemanly deportment towards all who favor them with a call. From our own experience in dealing with them, we feel safe in assuring our friends that they will be secure in casting their mercantile anchor in the present harbor of G. & G.

PERMANENT.—We have had some little experience in the use of pens of all qualities; the exportations of London, Birmingham and other parts famous for such manufactures, and can honestly assure our friends that the Valley-made pen is not to be surpassed by the best of them. Try friend Beckwith.

OUR POSTAL ARRANGEMENTS.—We are aware that the anxiety of some persons to obtain their mail matter, on the arrival of the Eastern mail, is, and probably will be, for a time to come, quite annoying to our post-master in this city; yet we shall be as patient as we choose to be, and shall use our best endeavors to have Mr. Morrell removed, and a citizen appointed in his stead, one who will feel and can truly be made to realize that a post-master is a public steward—that his duty alone is to wait on the people, for which he is or should be well paid. These things we are not done with, and the wrong must be righted.

CHANGE OF WEATHER.—At no time do we remember to have experienced the change of weather with the reason more than at the present. We feel grateful for the cool nights which make sleep doubly refreshing, and would suggest that we all prepare for the season when "snow flies." It is near at our doors.

MESSRS. GEORGE CRONIN & Co.—Those oysters and sardines of yours were superb. The etceteras were also of a superior quality. We thank you very, very kindly. We remember how pleasantly we pledged the firm, and drank a health to our home-merchants in general. Here's luck, George!

ARRIVAL.—Elders John Taylor and F. D. Richards arrived from their trip to meet and aid, with teams and provisions, the emigrants. Messrs. Taylor and Richards report that Captains Steven and Neslen's companies are the last of the season, and are expected to reach this city on Wednesday or Thursday next. The companies are enjoying fine health and are getting along well.

A CURIOSITY.—We actually saw, the other day, one man who did not subscribe for the "Mountaineer." He said he had no doubt but what he could pay for the paper, but he thought he should borrow from his neighbor. We have read in some book or other, about certain virgins who thought to borrow oil from their neighbors, instead of providing for themselves.

LOCAL NEWS.

ARRIVAL OF THE HAND-CART TRAIN.—We have witnessed the arrival of the first and last hand-cart trains in this city, yet never before have we been present on an occasion like that of Sunday evening last. It was probably soon when we heard that the hand-carts were coming; and we, like thousands of others, turned out to see what was to be seen. After waiting with patience for some hours, we saw approaching a mixed multitude of men, women and children, some on horseback, others in carriages and wagons, while many were on foot, all of whom were preceded by Capt. Ballo's Brass Band, followed by Capt. Huntington's Martial Band; in the midst of which we discovered Capt. Ballo's company of hand-carts, surrounded by thousands, some of whom were led by curiosity, while others were seeking to find purchase a friend or dear relative, that like themselves had sought an asylum in the fastnesses of the Rocky Mountains.

tains, attended with the privilege of drawing a hand-cart after them. We looked on and beheld the passing scene, which filled the street for nearly a mile, until the company reached the Public Square, where the last encampment of the weary pilgrims was made for the night.

FRIGHTFUL RESCUE.—As we were going to press last Saturday, we witnessed a scene, the like of which, we hope, may not fall again to our lot to chronicle. The first we saw of it was a team of horses running up East Temple Street, at full speed, with two ladies in the wagon, one of which held closely pressed to her bosom an infant. The excitement and interest of the moment are more easily imagined than told; for at each bound or jump we expected to see the wagon upset, and the ladies and child hurt, if not killed. But in this we were happily disappointed by the prompt and decisive course pursued by Mayor Smoot and Mr. Wait, who by chance happened to be near by, and on horseback, when the team took fright. They immediately pursued, and so artfully guided the animals, that although they ran more than a mile before they could be stopped, it was done without injury to any one. Will not our friends be more particular how they leave their teams standing in the street for the future.

CITY NEWS.—We are glad to say we have little or no city news this week that will interest some of our readers. No murders, burglaries, street fights, fires, or rowdiness to chronicle.

ASSAULT AND BATTERY.—Richard Pettit was brought before Alderman Clinton, on the 8th day of Sept. 1859, for committing assault and battery upon the body of Samuel Snyder. Pettit was fined twenty five dollars, including costs.

STILL THEY COME!—We have learned that our worthy fellow citizen, Feramorz Little, who went to the States last May, on business, has arrived, and his train is expected in to-day. Welcome, Feramorz, to your mountain home and numerous friends!

HIGHWAY ROBBERY.—On the 30th of August 1859, a man by the name of Chandler Calhoun left this city for the States. About 12 miles east of this place he was met in the highway and was robbed of his horse and clothes, by two men in the employ of A. B. Miller, by the name of Archer and Alexander. A warrant was issued by squire Clinton, and placed in the hands of the Constable. Archer was arrested. The other was not arrested, but the parties got together, and Archer and Alexander pled drunkenness, and were permitted to compromise the matter by returning the horse and clothes, and paying costs and damage.

RUMOR.—P. M. DEAD.—We have heard that Mr. Morrell, P. M., in this city, who returned east some months since, accidentally shot himself at the crossing of the Platte, and that he has since died from the effects of the wound.

STEALING OF STOCK.—We constantly hear the complaint of persons who say they have lost oxen, mules and horses by the hands of thieves. All we can say to such parties is, take care of your property, catch the offenders, and bring them to justice if possible, for once, and we will insure your stock afterwards.

ANOTHER SHOOTING AFFRAY.—We have learned with regret that a night or two since, in Provo City, Mr. Arch. Williams was shot by a Mr. Wheeler at a party, said to have been accidentally. Who will furnish us the particulars?

A week ago yesterday, William H. Derr trod on, and then killed, a rattlesnake in the Welsh Canyon. The reptile had fifteen rattles and a button.

COURT AT NEPHI.—We learn that Judge Eckels closed his term of court on Saturday the 3rd inst., at Nephi. The court minutes found in another column will show the amount of business done, as well as his Hon's rulings on several important points of law. The adjourned term of the District Court for this Judicial District, will meet again on Monday next.—Hon. Chas. E. Sinclair presiding.

CROPS IN UTAH COUNTY.—We learn from Mr. Preston Thomas of Lohi, that the present crops of grain at that place are equal to any crop that has been previously raised in the country. The potato crop is said also to be good, and the hay crop to be excellent.

MORE INDIAN DIFFICULTIES.—Mr. Geo. W. Oman, of California, informs us that a few days since, he and his friends, some five or six in number, desired to go homeward by the way of Raft River, and, fearing that they might fall a prey to the Indians by the way, one of his company, Mr. McGuire, spoke to Gen'l Johnson for an escort, who told him to report to the commanding officer at Bear River, and that he would furnish him and his friends the protection required, which they accordingly did. The commanding officer sent an escort of twenty men. They went a part of the distance only with Mr. O. and company, leaving them 80 miles from Raft River Canyon, to make good their place of destination, if the Indians would permit them to pass. They were fortunate enough to make the head of Raft River. Here they found the unmistakable signs of a recent massacre by the Indians. Our informant states that they found several wagons partly burnt; and that from the signs left of horses shot dead on the camp ground and recently butchered cattle, that the company was an emigrant train. This was fully confirmed by the abundance of feathers that were scattered over the ground, supposed to be taken from the feather beds of an emigrant party. Mr. O. says they found on the ground several satchels or carpet sacks, ripped open and rifled of their contents. They also found calicoes left on the ground, an unmistakable evidence that a richer booty had been taken than the enemy was able to carry off.

At this point our informant and party turned back; and on their return they found at Deep Creek, 50 miles beyond Bear River, a satchel and the remains of several head of cattle recently killed, and the further evidence that another unfortunate emigrant had been unmercifully butchered by the savages of the desert. (His name supposed to be Lyman Bird.) Mr. Oman says that he also learned from a reliable source that another man had been found dead on the road at Blue Springs, and that he passed several places where wagons had been burnt.

Are not these reports enough to startle us, and sufficient to cut off that annual flood of emigration across the continent that for years has furnished to our western slope beyond the Sierra Nevada, the gold placers of the Pacific, that sturdy race of men from the East, who have built up the cities of California, developed her mineral and agricultural resources, and placed her beside the oldest sister States as a competitor for the highest claims in the arts and sciences? Is it not enough to paralyze our own trade with the East and West, and destroy a branch of business lucrative to traders and beneficial to emigrants?

CONSTITUTIONAL CONVENTION.

OFFICIAL REPORT.

Proceedings of the Convention at Genoa Carson Valley, U. T., July, 1859.

On motion of Mr. Noteware, the Secretary was ordered to insert in section 1st of Article 3d of the Constitution, that part of the report of the committee on proportionment, relative to the representatives to the General Assembly.

Mr. Proctor moved to adopt the Constitution as a whole, as amended. Upon which motion the yeas and nays were called, with the following result: Yeas—Messrs. Anderson, Bowdoin, Bryant, Chapman [2 votes] Cary, Chandler, Curry, Coldington, Dorsey, Elliott, Farwell, Gaige, Houseworth, Hammack, Heppely, Jernegan, King, Long, Musser, Naighley, Nye, [12 votes] Reel, Osborn, Ormsby, J. Robinson [2 votes] J. O. Robinson, Koop, Proctor, Settle, A. A. Smith, Summerfield, Stuart, Vaughn, [3 votes] Williams, T. Winters, J. D. Winters and W. B. Wade. Nays—G. W. Chedie. The Constitution was then declared adopted as a whole.

DECLARATION.

WHEREAS, We the Citizens of the proposed Territory of Nevada, considering that we have suffered from a series of internal and external evils of so grave a nature as to render forbearance a virtue no longer; and believing that the time has now arrived for us to take some permanent action upon our future well being as a people. And believing further that a plain statement of the causes which have impelled us to pursue this course, will convince a candid and unprejudiced public; we would, therefore, state,

That a long train of abuses and usurpations on the part of the Mormons of Eastern Utah, towards the people of Western Utah, evinces a desire on their part to reduce us under an absolute spiritual despotism.

Such has been our patient sufferings, and such is now the necessity for disolving all political relations which may have connected us together, and we deem it not only our right, but also our duty to

disown such a Government and such a people, and to form new guards for our future security.

We would charge upon the Mormons a gross violation of the organic act, creating the Territory of Utah.

They have declared themselves hostile to the constitutional government and institutions of our country;

They have declared war against the government of the United States;

They have refused to submit to its laws. While they have, whenever it suited them, claimed protection under these laws;

They have denied to the Judges of the United States a right to try in their courts the violators of the law when such violators were Mormons;

They have so managed by their legislations as to defeat justice, protect criminals, and render the laws and the authority of the United States in Utah Territory void and of no effect;

They have conferred powers on their Territorial Marshals so extensive as to render void the authority of the Marshals of the United States in all cases;

They have conferred upon Probate Judges the sole right to select juries in civil and criminal cases, in violation of all law and all precedent. They have also given to said judges and justices of the peace absolute jurisdiction in all civil and criminal cases;

They have made all laws existing under the people of this Territory and in defiance of the laws of the United States;

They have, by an act of the Legislature declared all unmarried men ineligible as jurors unless they have resided in the Territory two years;

They have inured their hands in the blood of our citizens while they were peaceably pursuing their way across the continent, and have deprived them of their property without due course of law;

They have poisoned the minds of the Indians against us and forced us frequently to open war with them;

We have petitioned to them to redress and to protect us in our right. But our appeals have ever been treated with disdain and neglect. To continue the connection with Utah longer, we fear would involve us in treason and rebellion to our country.

We further consider that the dangerous difficulty of transit and expense of communication with the seat of the Territorial Government of eastern Utah, of themselves valid reasons to induce us to form a separate Territorial organization.

We have applied for assistance to California, but she has declined to aid and protect us because we were without the jurisdiction of the State.

We have for the last two years invoked Congress to erect for us a Territorial Government and that body has been deaf to our appeals.

Therefore, believing in the rectitude of our intentions and believing the time has arrived, we make known and declare our entire and unconditional separation from Eastern Utah.

To provide for and secure our future protection, we pledge to each other our sacred obligations, to erect for ourselves a Territorial Government founded upon the Republican principles of the Constitution of the United States. And that we will maintain and defend it to the best of our ability, and we look to the support and protection of the Federal Government and our fellow citizens in every part of the Union.

HOME NEWS.

A Miss A. Goddard has been doing some extensive swindling at Boston, and other places east.

A TERRIBLE accident took place on the Vermont and Canada Rail Road, July 26, through the falling of a trestle bridge. Scarcely a passenger that was not killed or wounded.

PASS. Buchanan says that his determination not, under any circumstances, to become a candidate for re-election, is final and conclusive.

The laying of the corner stone of the Monument in honor of the Pilgrim fathers, took place at Plymouth, Mass., on Tuesday, August 2nd, that day being the 29th anniversary of the landing of the Pilgrims. The ceremony seems to have attracted a numerous concourse of people, especially from the New England States.

FOREIGN NEWS.

ENGLAND.

Lord John Russell understands from the Emperor of France that there is no provision or understanding in the treaty of Villafranca, that the late dynasties of Tuscany, Modena and Parma shall be restored to those possessions if necessary by military force.

Lord John Russell says that it is clear, that the return of the exiled rulers of Tuscany, Modena and Parma, will be resisted by force, and if England can consent to appear in Congress, now is the time when her voice may be heard to advantage in behalf of Italy.

The government was about to appoint a committee who would endeavor to place the great armaments of the country in a state of readiness.

The Hon. F. Lytton, M. P. for Towerham, appears in the House of Com-

mons with a white hat, crimson neckcloth, yellow waistcoat, mauve inexpressibles, red socks, and lemon colored ride. Can a nigger beat that?

Sir John Bowring has arrived in England, from the wreck of the ALMA. He lost in the wreck the manuscript records of his long and varied public life, which filled 40 volumes—a volume for a year.

The formation of a coast telegraph around England has been suggested.

Experiments were progressing to test the practicability of laying a submarine telegraph to Gibraltar.

Lord Palmerston does not think it possible for England to enter into an agreement with the Powers for the arithmetical reduction of military and naval establishments, her position being totally different.

FRANCE.

France and England have had some talk about mutual disarmament, and 200,000 men are to be discharged from the French army on renewable furlough. Thus the Government has its finger upon them without paying them. The London Times does not like this, and thinks it a little deceptive in Napoleon.

The army and navy are to be restored to a peace footing with the least possible delay.

Napoleon invites England to enter a European Congress. England has not consented to join the Congress, and will not until she sees the result of the conference at Zurich.

PORTUGAL.

The young and beautiful Stephanie, Queen of Portugal, died of diphtheria, July 17th, universally regretted.

SPAIN.

The recent conspiracy at Seville was of a republican character, and had ramifications at Barcelona, Granada and Santander. The conspirators were to have met on a given day in the Place Del Dague, Seville, to commence the insurrection, but before that time twelve or fourteen of them were arrested, and the Place was occupied by troops. Conspiracies also existed for exciting disturbances in other large towns.

The Queen is in the fifth month of pregnancy. Very interesting.

AUSTRIA.

The War Department has decided that the first army shall be maintained at present on a war footing. Its effective strength is estimated at 200,000 men.

All the provincial councils of the empire are to be convoked simultaneously, in order to answer a series of questions on the ameliorations which they may think necessary to the internal government of the States, especially in the provisional organization. The councils will have complete liberty in their deliberations, and may make known openly and sincerely to the Emperor the wants and wishes of the populations. Important financial and military reforms are likewise projected.

INDIA.

From Singapore it is stated that the inhabitants of Bangernissen had risen and murdered nearly every European.

ADVERTISEMENTS.

ISAAC BROCKBANK

STILL retains his old stand on East Temple Street south of Livingston, Bell & Co's, where he is prepared to furnish those who call upon him with the choicest Beef, Mutton, Pork, Sausages, &c., &c., on the most reasonable terms. Call and see me. 3-11

STATE FAIR.

The State Fair will come off at G. S. L. City on the 3d and 4th of October, all persons wishing to avail themselves of the privilege of the Society, are notified that they must become members or renew their membership before the first day of October.

Tickets for membership, \$2.00
Renewal of do 1.00
It is expected the people will give every encouragement to the Society.

J. C. LITTLE,
2-3 Treasurer of the D. A. & M. Society.

Jordan Mills on Hand Again!
WE have just completed some important improvements in the machinery of Jordan Mills and are now prepared to turn out a much superior article of

FLOUR

to any we have before supplied to the public. We would call the attention of Merchants, Bakers and others who may want a superior article of FLOUR.

It is always to be found at the JORDAN MILLS DEPOT.

Those who come from a distance for grinding can return with their grain by stopping overnight.

WANTED.—A first rate Miller, one without a family would be preferred.

A. GARDNER,
C. A. SMITH,
D. H. ALLEN, Millers.

WANTED.—A first rate Miller, one without a family would be preferred.

WANTED.—A first rate Miller, one without a family would be preferred.

WANTED.—A first rate Miller, one without a family would be preferred.

WANTED.—A first rate Miller, one without a family would be preferred.

WANTED.—A first rate Miller, one without a family would be preferred.

WANTED.—A first rate Miller, one without a family would be preferred.

WANTED.—A first rate Miller, one without a family would be preferred.

WANTED.—A first rate Miller, one without a family would be preferred.

WANTED.—A first rate Miller, one without a family would be preferred.

WANTED.—A first rate Miller, one without a family would be preferred.

WANTED.—A first rate Miller, one without a family would be preferred.

WANTED.—A first rate Miller, one without a family would be preferred.

WANTED.—A first rate Miller, one without a family would be preferred.

Wm. A. Hickman,
ATTORNEY & COUNSELLOR AT LAW
Will practice in all the Courts of this Territory.
Office—East Temple St., Opposite Miller and Russell's Store. 3-11

G. GUDMUNDSEN,
JEWELER, GOLD AND SILVERSMITH,
A few doors South of Livingston, Bell & Co's.
Will promptly attend to all business in his line, which he may be favored with. 3-11

NEW ARRIVALS!

GILBERT & GERRIAH,
HAVE just received a LARGE STOCK of SUPERIOR SELECTED

MERCHANDISE.

The Assortments chosen expressly for the Utah Market.

THEY have marked their goods at the LOWEST FIGURES, and assure the public that they are prepared to, and will, successfully compete with any house in the Territory in quality and price.

Country dealers supplied at a liberal discount. 3-11

GILBERT & GERRIAH.

GOODS FOR THE PEOPLE!!

WM. NIXON,

EAST TEMPLE ST., NEXT DOOR

NORTH OF WASHINGTON

SALOON.

RESPECTFULLY writes his friends to call and examine his large and well selected stock of GENERAL ASSORTED MER-

CHANDISE, suited in every respect to the wants of the citizens of this Territory, as well as to the emigrant traveler, and parties filling out for the plains.

The goods are all new and just imported from the East, where they were selected with care expressly for this market.

—CONSISTING OF—

Dry Goods, Groceries, Choice

Wines & Liquors, Bottled and

in Barrels, Tobacco and

Cigars.

Of a superior quality, and QUEENSWARE.

ALSO,

A CHOICE ASSORTMENT OF

Yankee Notions,

Small Wares,

Edgings,

Laces,

Dress Trimmings,

&c., &c.

All of a superior quality and to be sold at prices to suit the times.

ALSO AT HIS STORE AT

FAIRFIELD,

Near CAMP FLOYD,

Can always be found every species of Merchandise needed by the farmers and the public generally, to which he respectfully calls the attention of his friends in the south.

A liberal allowance made to country dealers.

Small Profits & Quick Returns!

3-11 **WM. NIXON.**

LOST.

SOMEWHERE between my residence 14th Ward on the street east and the 12th Ward, an oval-shaped BREADSTIFF containing a lock of grey hair and leaved Grandmother on the back. The finder will confer a favor and be rewarded on bringing it to me.

SARAH A. COOKE.

\$5.00 REWARD.

LOST, stolen or strayed, from the subscriber, on the 6th inst., an iron gray pony, roan mane, and clipped tail.

Please to deliver to Joseph A. Gadow, at the "New World" and charges will be paid.

U. S. L. City. 3-11

STRAYED.

FROM the pasture of A. Coons, one bay male, about 12 and a half hands high, branded H on the left hip, with a half moon cut out of his right ear, tall shaven with bunch out of his right ear, tall shaven with bunch out of his right ear, tall shaven with bunch out of his right ear.

The finder will please bring him to the store of J. C. Little & Co., where a liberal reward will be paid.

3-11

BIRD AND FOSTER,

CABINET MAKERS, TURNERS AND

Upholsterers.

ALL kinds of work in the above lines of business, executed neatly and on the shortest notice.

South of Livingston, Bell & Co's, East Temple street. 3-11

NOTICE.

WHEREAS my wife, MARTHA B. STRONG has left my bed and board without any cause or provocation.

This is to warn all persons not to harbor or trust her on my account, for I will not pay any debts of her contracting.

WILLIAM STRONG.

Springville, Sept. 2, 1859. 3-11

DAY AND MUSIC SCHOOL.

MRS. COOKE takes the method of teaching her patrons for the past twenty years has covered of their confidence in her as a teacher, and of informing them and the community generally, that she purposes re-opening her school on MONDAY, the 19th of September, 1859, at her residence, 14th Ward.

TERMS FOR DAY SCHOOL.

</

THE PATTEN OF LITTLE FEET.

Up with the sun at morning,
Away to the garden he hies,
To see if the sleepy blossoms
Have begun to open their eyes;
Running a race with the wind,
With a step as light and fleet,
Under my window I hear
The patter of little feet.

Now to the brook he wanders,
In swift and careless flight,
Splashing the sparkling ripples
Like a fairy water-sprite.
No sound under fabled river
Has gleams like his golden hair,
No peevishness as he is fairer
Than his slender ankles bare;
Nor the rosiest stem or coral
That blushes in ocean's bed,
Is sweeter as the flush that follows
Our darling's airy tread.

From a broad window my neighbor
Looks down on our little cot,
And watches the "poor man's blessing"
I cannot envy his lot.
He has pictures, books and music,
Bright fountains and noble trees,
Flowers that blossom in roses,
Birds from beyond the seas;
But never does childish laughter
His homeward footsteps greet,
His stately halls no echo
To the tread of innocent feet.

This child is our "speaking picture,"
A birdling that chatters and sings,
Sometimes a sleeping cherub—
(Our other one has wings.)
His heart is a charmed casket,
Full of all that's cunning and sweet,
And no harpstrings hold such music
As follows his twinkling feet.

When the glory of sunset opens
The highway by angels trod,
And seems to unbar the city
Whose Builder and Maker is God,
Come to the crystal portal,
I see by the gates of pearl,
The eyes of our other angel—
A twin-born little girl.

And I asked to be taught and directed
To guide his footsteps aright,
So that I could be accounted worthy
To walk in sandals of light.
And hear angel songs of welcome
From messengers trust and fleet,
On the stately floor of Heaven,
The patter of little feet.

GLEANINGS.

YOUNG MEN.—It should be the aim of young men to go into good society—we mean not the rich, nor the proud, nor the fashionable, but the society of the wise, the intelligent, and the good. When you find men who know more than you do, and from whose conversation you can gather information, it is always safe to be found with them. It has broken down many a man to associate with the low and vulgar, where the ribald song was sung, and the indecent story told to excite laughter or influence the bad passions.

LORD CLARENDON attributed success and happiness in life to associating with persons more learned and virtuous than ourselves. If you wish to be wise and respected, if you desire happiness and not misery, we advise you to associate with the intelligent and good. Strive for excellence and strict integrity, and you will never be found in the sinks of pollution, or in the ranks of profligates and gamblers. Once habituate yourself to a virtuous course, once secure a love for good society, and no punishment would be greater than, by accident, to be obliged for half a day to associate with the low and vulgar.

A WORD TO GIRLS AND BOYS.—GOOD MANNERS.—Young friends, are you polite, gentle, well-behaved everywhere? at all times? in all societies? Good breeding is a fortune already made—an independent fortune. Courtesy, kindness, a noble, dignified, heavenly deportment paves the way to eminence, stations of honor, wealth, respectability, to glory imperishable.

Well, young reader, how is this excellence to be attained? Where the starting point? In early life. Yes, begin at home, in the domestic circle, around the fire-side. The very moment you can slip a single syllable audibly begin to acquire courtesy. Be kind and polite to your parents, brothers and sisters, your superiors and inferiors. See that every thought, every word and action, bears the impress of a sweet, gentle, affable courtesy. Study to make everybody happy. True politeness is benevolence, and true benevolence is politeness. When these habits of courtesy or good behavior are thus acquired at home—exhibited on all occasions, they become household words—easy, familiar as life. Then, when you go abroad, mingle in society, the high, the low, the rich, the poor, you are duly prepared. Politeness of manners is uppermost; it flows out spontaneously. Therefore begin at home early in the dawn of life. An excellent writer, touching on this question of good manners, says:

"Young folks should be mannerly. Not how to be in the question. Many a good boy and girl feel that they cannot believe to suit themselves in the presence of company. They are awkward, clownish, rough. They feel timid, bashful

and self-distrustful the moment they are addressed by a stranger, or appear in company. There is but one way to get over this feeling and acquire graceful and easy manners; that is, to do the best they can all the time, at home as well as abroad. Good manners are not learned so much as acquired by habit. They grow upon us by use. We must be courteous, agreeable, civil, kind, gentlemanly and womanly at home, and then it will become a kind of second nature to be so everywhere. A coarse, rough manner at home begets a roughness which we cannot lay off, if we try, when we go among strangers. The most agreeable people we have ever known in company are those that are perfectly agreeable at home. Home is the school for all the best things."

Young friends, you hear this. Will you heed it?—Golden Rule.

A YOUNG LADY IN A TRANCE.—NARROW ESCAPE FROM BURIAL.—The Peoria (Ill.) Union of the 6th instant learns from Mr. R. D. Story, of Medina, in that county, that his daughter Elizabeth, a girl about 19, had a veritable trance a few days ago. The only premonitory symptoms seem to have been that on the previous morning she "felt like she had not slept all night, and yet was not conscious of having been awake." She was in good health and spirits through the day, (31st ultimo,) retired early, and seemed so soundly asleep when her sister came to bed that the latter could not wake her. In the morning she was found apparently dead. In a few hours preparations were in progress for the burial of the body, and Thursday set for the funeral. The neighbors were called in, and all decided that it was best to bury her at the time suggested—no one considering it necessary to call a physician.

On Wednesday evening, however, before the coffin had been brought, while the younger brother was looking on the face of his dead sister, he thought he saw the lips move, and, livid with fear, he communicated his suspicions to his mother. She was just entering the front door, receiving some friends from Henry Co., and at the announcement uttered a most agonizing shriek of surprise. This was instantly followed by one from the chamber where Elizabeth was lying, and when her mother and friends entered the room she was sitting on the cooling board, as much surprised at the alarm of her friends as they were at the sudden recovery from what they thought the grave. Mr. Story's statement stands endorsed by four families residing near him. On Saturday morning Miss Story was in perfect health, but from dread superstition will not explain her feelings while in the state of trance. She avoids speaking of it.

VARIETIES.

A YOUNG man, while undergoing an examination for the purpose of being admitted to the bar, was asked: "What were the constitutional requirements which render a man eligible to the office of President of the United States?" He answered: "He must be thirty-five years old, and a mighty good democrat!"

ELOQUENCE consists in feeling a truth yourself, and making those who hear you feel it also.

JUSTICE consists in doing no injury to men; decency, in giving them no offence.

The culture of social feelings, under the dew and sunshine of religion, is a duty as well as a pleasure.

A SYRACUSE contemporary was called upon to record a "melancholy event" at a time when his head was rather heavy, and did it up after the following manner:

"Yesterday morning, about 4 o'clock, p. m., a man with a heel in the hole of his stockings, committed suicide by swallowing a dose of arsenic. The inquest of the verdict returned a jury that the deceased came to the facts in accordance with his death. He leaves a child and six small wives to lament the loss of his untimely loss. In death we are in the midst of life."

He that can compose himself is wiser than he that composes books.

Men's evil manners live in brass; their virtues we write in water.

Man find it more easy to flatter than to praise.

Every day we live, says an exchange, we are more than ever convinced that nine-tenths of the miseries which attend humanity are self-inflicted. People jump off rail roads now while in motion; go bathing in deep water when they cannot swim; imbibe spirituous liquors and meet with accidents; expose themselves regardless of prudence, and suffer all manner of most evil consequences, which a little forethought would in most cases have averted. People know very well that a violation of the common law involves a penalty, and yet utterly ignore the fact that nature is still more inexorable than the legislature, and visits with correspondingly punishments every transgression of her laws.

It is a fact not generally known that the origin of the Bible is a mystery in England. Only the Queen's printer, Eyre & Spottiswoode, and the University of Oxford and Cambridge, have any legal right to produce copies of the Scriptures. The patent was granted in the reign of George IV, and is very stringent.

A DOWN-STREET auctioneer, while descending on the good qualities of some mules he was trying to sell, observed that his "father had raised nothing but mules all his life." A bystander did not for a moment "doubt it."

CLARENCE in TROUBLE.—Even in public troubles there is a calm to the believer's mind. He is satisfied that in those judgments that are inflicted man shall be humbled and God exalted; (Isa. 47: 11-17) and that in all tumults, and changes, and subversions of states, still His throne is fixed, and with that, the believer's heart likewise. In all commotions the kingdom of Christ shall be spreading and growing, and the close of all shall be full victory on his side; and that is sufficient for the believer. Amidst all disorders, God is ordering all wisely and justly; and to them that love Him, graciously; therefore we ought not to be dismayed.

NOTICE TO AGENTS.

Our List of Agents was, of course, got up rather hastily, and we have been necessitated to enlarge and revise it, partly because we afterwards learned that some of them did not reside in the places specified, and others could not attend to the agency business. We wish those given below to report to us, as early as possible, whether they can, and are willing to, act as Agents, and, if so, the number of papers they wish us to send them respectively.

WASHINGTON COUNTY:

Renta Clara, Jacob Hamilton, John T. Wilson, John A. Hays, William H. Davis.

IRON COUNTY:

Hamilton, Samuel H. Hamilton, Richard J. Morris, George J. Morris, James A. Lewis, Martin Smith.

BEAVER COUNTY:

Charles W. Wendell, James H. Hollins.

MILLARD COUNTY:

William King, John A. Hays, David Savage.

SAN PETE COUNTY:

Geo. W. Pearce, James T. S. Alford, William Smith, W. W. Bradley.

JUBA COUNTY:

M. D. Hamilton.

CEDAR COUNTY:

Fred Walker.

UTAH COUNTY:

Phineas W. Cook, Wm. McElroy, William W. East, D. P. Rany, A. E. Thayer, Abraham Day, Elias Smith, W. D. Stewart, E. R. Harrington, John Brown, John Vance.

GREAT SALT LAKE COUNTY:

Garretts Mills, Draperville, Union, Morrison, Frank Nye, West Mill Creek, Taylorville, Tooele City, Grantville, E. T. City.

TOOELE COUNTY:

W. S. Mutt, John J. Stoddard, James L. Litchell, Lot Smith, Christopher Layton.

DAVIS COUNTY:

C. W. West, Thomas Dunn, T. J. O'Brien, Richard Cook.

BOX ELDER COUNTY:

M. O. Jensen, Samuel Warner.

CACHE COUNTY:

Peter Mendenhall, James G. Mills.

GREEN RIVER COUNTY:

Wm. A. Carter.

CARSON COUNTY:

John K. Trumbo.

CALIFORNIA.

Petaluma County, George W. Olin.

ADVERTISEMENTS.

NOTICE.

I SHALL apply to the County Court at its next regular term, to grant to me the privilege of using the name of the Co. I have recently discovered by me, in Cook Creek.

JOHN SPRIGGS, G.S.L. City, Aug. 29, 1859.

STRAYED.

ON Monday 29th instant, from my yard, 12th on left side and horn, four of them branded M on left shoulder.

The finder will be liberally rewarded by delivering them to W. H. HOOPER.

[Desert News, please insert once.]

NEW DAGUERREAN GALLERY.

Messrs. Sturges & Taylor HAVE JUST OPENED a Daguerrean Gallery, at the old stand, just south of Godde's Drug Store, where they are prepared to take Daguerreotypes, Ambrotypes, &c., in the latest and most approved style.

Mr. Sturges has for a number of years past been engaged in some of the first galleries of London, New York, St. Louis and elsewhere, and is thoroughly acquainted with all the latest improvements in the art. Having on hand a well selected assortment of Cameras, Plates and Fittings, they flatter themselves that by strict attention to business, they will be able to obtain a liberal share of public patronage.

Picture taken in various styles, suitable for hanging in letters, &c.

C. STURGES & TAYLOR.

BROOMS! BROOMS!!

THE undersigned respectfully announces that they have opened a BROOM FACTORY in the 2nd Ward, 3 blocks south of Wilson's, on Em gratian street, where they intend keeping a good article of brooms on hand for sale. They will also take broom corn to work up on shares. A share of public patronage is solicited.

THOMAS COLBORN, HENRY TRIBE.



LIKENESSES

AS CHEAP AS THE CHEAPEST.

AND as good as the best, at the old stand over A. Taylor's & Sons; SIGN OF THE CANNON.

Having purchased a row lot of superior CASES, LOCKETS, BUSTS, &c., at the new fashionable price of "COST AND FREIGHT," I can now sell the various photographic pictures, such as Ambrotypes, Manganese, Leather and Paper Types, at much lower prices than I have during the year past.

Call and examine specimens.

M. CANNON.

GEORGE CHRYN & CO.

HAVING purchased the well selected stock of H. S. Eldredge & Co., consisting of Dry Goods, Groceries, Hardware, &c., big & small, they have now opened the goods at G. L. City, and offer them at retail. They assure the public they have put prices at a low figure.

You are invited to call and examine.

The Stock consists in part of:

Staple Dry Goods,

GROCERIES,

HARDWARE,

Window Glass, Hay and Manure

Forks, Shovels, Spades,

Scythes and Snaths,

Cotton Yarn and Dye Stuffs, &c.

TERMS, Cash or ready pay.

PRODUCE OF ALL KINDS RECEIVED.

D. A. MY,

HAVING recently returned from the Eastern

States, bringing with him a large and superior supply of

TIN, COPPER,

SHEET IRON, &c. &c.,

And being fully prepared with Tools, and first class mechanics, respectfully asks his old

friends to call and see him and renew their patronage, and invites those who have not given

his stock and mechanical skill a trial, to call and see him.

To be found at his own store on East Temple Street.

W. S. GODDE,

CHEMIST AND DRUGGIST,

East Temple Street.

ALL varieties of Drugs, Patent Medicines, Paints,

Prescriptions promptly and carefully filled.—1-1f

FRANCE AND AUSTRIA.

GOODS AT COST AND CARRIAGE!

GILBERT CLEMENTS

RESPECTFULLY informs the public that he has on

hand a choice assortment of Dry Goods and Groceries,

which will be sold at the lowest figures.

Enterprising going East or West, can be accommodated

with all they require, of the best quality and at the

lowest price—such as flour, bacon, tin ware, practical

clothing, &c., &c.

East Temple Street.

JAMES FRODSHAM,

WATCHMAKER, JEWELER, &c.

SHOP, THREE DOORS SOUTH OF

NIXON'S STORE.

PROVE attention paid to all orders, and a full supply

of materials constantly on hand.

CLAUDE CLIVE

WOULD respectfully inform his friends that he has

opened a shop at his OLD STAND, EAST

TEMPLE STREET.

He is prepared to receive orders for all kinds of

tailoring done, &c.

AT THE SHORTEST NOTICE. A good supply of heavy

clothing, such as frock coats, suits, &c., made to order. Very

particular of the latest fashion.

Country done to order. CHARLES REASON.

ABLE. If a suit would please, call on

CLAUDE.

BOOK & JOB

PRINTING

IN ALL THE VARIETIES, CARRIED ON IN CON-

NECTION WITH THE OFFICE OF

THE MOUNTAINEER.

Hand bills, circulars, &c., printed in the

best style, and at the lowest prices.

Blank cards, &c., printed in the

best style, and at the lowest prices.

Blank cards, &c., printed in the

best style, and at the lowest prices.

Blank cards, &c., printed in the

best style, and at the lowest prices.

Blank cards, &c., printed in the

best style, and at the lowest prices.

Blank cards, &c., printed in the

best style, and at the lowest prices.

JOHN ASH,

GUN AND LOCK SMITH,

EAST TEMPLE STREET,

First Door South of Livingston, Bell & Co.

REPAIRS promptly attended to. I am an old hand.

Try me.

STOUT, BLAIR & FERGUSON,

ATTORNEYS AT LAW,

WILL attend to all business entrusted to them in the

Office, COUNCIL HOUSE.

We warrant promptly to the Collection of all DEBTS

or ACCRUE interest on our care.

JORDAN MILLS DEPOT!!

FLOUR, FEED AND PROVISION

STORE.

FELT & ALLEN

REPAIRS promptly attended to. I am an old hand.

Try me.

JOHN ASH,

GUN AND LOCK SMITH,

EAST TEMPLE STREET,

First Door South of Livingston, Bell & Co.

REPAIRS promptly attended to. I am an old hand.

Try me.

JOHN ASH,

GUN AND LOCK SMITH,

EAST TEMPLE STREET,

First Door South of Livingston, Bell & Co.

REPAIRS promptly attended to. I am an old hand.

Try me.

JOHN ASH,

GUN AND LOCK SMITH,

EAST TEMPLE STREET,

First Door South of Livingston, Bell & Co.

REPAIRS promptly attended to. I am an old hand.

Try me.

JOHN ASH,

GUN AND LOCK SMITH,

EAST TEMPLE STREET,

First Door South of Livingston, Bell & Co.

REPAIRS promptly attended to. I am an old hand.

Try me.

JOHN ASH,

GUN AND LOCK SMITH,

EAST TEMPLE STREET,

First Door South of Livingston, Bell & Co.

REPAIRS promptly attended to. I am an old hand.

Try me.

JOHN ASH,

GUN AND LOCK SMITH,

EAST TEMPLE STREET,

First Door South of Livingston, Bell & Co.

REPAIRS promptly attended to. I am an old hand.

Try me.

JOHN ASH,

GUN AND LOCK SMITH,

EAST TEMPLE STREET,

First Door South of Livingston, Bell & Co.